

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

RONALD PICARD, )  
Plaintiff(s), )  
vs. )  
WAL-MART STORES, INC., )  
Defendant(s). )  
)  
)  
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)  
)  
Case No. 2:12-cv-01907-RCJ-NJK  
ORDER RE: MOTION FOR  
PROTECTIVE ORDER  
(Docket No. 23)

Pending before the Court is an “emergency” motion filed by Defendant on June 13, 2013, regarding a deposition scheduled for June 14, 2013. Docket No. 23.<sup>1</sup> Whether a motion is truly an “emergency” is a matter left to the Court’s discretion. Local Rule 7-5(d)(3). Defendant’s papers make clear that, as of approximately May 24, 2013, it believed the dispute would likely require court intervention. *See Entzminger Decl. ¶ 15 (Docket No. 20)* (“Upon receipt of Plaintiff’s counsel’s **May 24, 2013 letter** . . . I understood that there was nothing further that could be done to prevent motion practice.” (emphasis added)); *see also Entzminger Decl. ¶¶6-7, Exhs. E, F (Docket No. 23)*. Defendant fails to explain why it waited nearly three weeks to file a motion for protective order, and only did so on the eve of the deposition. In these circumstances, the Court exercises its discretion to find that the motion for protective order (Docket No. 23) does not constitute an emergency. *See*,

<sup>1</sup> The motion was originally filed on June 12, 2013, Docket No. 20, but was denied for failing to sufficiently meet and confer, Docket No. 22.

1       e.g., *Tzvetanova v. Wal-Mart Stores, Inc.*, 12-cv-2069-RCJ-CWH, Docket No. 29 (D. Nev. Apr. 30,  
2       2013) (minute order finding that Wal-Mart's motion for protective order filed one day before  
3       scheduled Rule 30(b)(6) deposition would not be considered an emergency).

4       The Court will shorten the normal briefing schedule set forth in Local Rule 7-2(b)-(c) and  
5       will schedule a hearing as appropriate. Any response to the motion shall be due no later than June  
6       20, 2013 and any reply shall be due by June 27, 2013.

7       IT IS SO ORDERED.

8       DATED: June 13, 2013

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11       NANCY J. KOPPE  
12       United States Magistrate Judge